

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 9-18 and 32-39, and 41-42 are now pending in the application, with claims 9, 32, and 41 being independent. Applicant cancels claims 19 and 40 without prejudice, waiver, or disclaimer of the subject matter. Applicant amends claims 9-11 and 13-18 to further clarify features of the claimed subject matter. The original specification and drawings support these claim amendments at least at paragraphs 0003, 0020, 0024, 0036, 0041, 0042, 0045, 0046, 0058, 0063, and 0098. These revisions introduce no new matter.

Applicant adds claims 41 and 42 to further clarify features of the claimed subject matter. The original specification and drawings support these claim amendments at least at paragraphs 0063, 0093, and 0098. Therefore, claims 41-43 are presented and directed to subject matter of the original disclosure. Again, these revisions introduce no new matter.

Claim Objections

Claims 18, 19, and 40 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant amends claims 18 clarify the subject matter. Amended claim 18 depends from independent claim 9 and “a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers” (35 U.S.C. §112 paragraph 4). For claim 18, that includes “if automatic sign-in is enabled, silently signing in a most recently signed in user account onto an online service without requiring action by a user,” as recited in independent claim 9. Claim 18 does not negate this limitation; the previous recitation of “instead

of” is removed. Accordingly, amended claim 18 complies with the statutory requirements for proper dependent form. Applicant cancels claims 19 and 40, and thus, those objections are now moot. Applicant respectfully submits that claim 18 now complies with 37 CFR 1.75(c) and respectfully requests that the objection be withdrawn.

Claim Rejections 35 U.S.C. §102

Claims 9-10, 15-19, 32-33, 37-40 rejected under 35 U.S.C. 102(b) as being anticipated by AOL Instant Messenger (cited from <http://www.aol.com.au/site/websitelaolproducts/aim/help.php> March 11, 2001 version) (“Aim’ 3/11/01”). Applicant respectfully traverses the rejection.

Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant amends **independent claim 9**, to clarify further features of the subject matter. Amended claim 9 now recites a method, comprising:

determining if at least one user account is present on a dedicated game console;
if the at least one user account is present, determining if automatic sign-in is enabled on the dedicated game console; and
if automatic sign-in is enabled, silently signing in in a most recently signed in user account onto an online service without requiring action by a user.

Applicant respectfully submits that no such method is disclosed by AIM 3/11/01.

The MPEP indicates that in order for a single reference to support a *prima facie* case of anticipation of an applicant’s claim, the examiner must first interpret the claim, and thereafter show that the cited reference discloses the same elements, in the same arrangement, as the elements of the applicant’s claim. More specifically, the MPEP states that “[a] claim is anticipated *only if each and every element as set forth in the claim is found*, either expressly or inherently described, in a single prior art reference. . . . The identical invention must be shown in

as complete detail as is contained in the . . . claim. . . . The elements must be arranged as required by the claim” MPEP §2131 (emphasis added). Consequently, under the guidelines of the MPEP set forth above, if there is *any* substantial difference between the single reference used to support anticipation and an applicant’s claim, then the reference is NOT able to support a *prima facie* case of anticipation.

AIM 3/11/01 Fails to Disclose Dedicated Game Console, and Automatic Sign-in

AIM 3/11/01 is directed towards frequently asked questions about AOL Instant Messenger (page 1). The AOL Instant Messenger (AIM) requires an “Intel 486 or Pentium computer,” “Windows 95/98/ME/NT or Windows 2000” (page 1) and “will not work on a Macintosh computer” (page 2). AIM includes “Save Password” and “Auto-login” boxes (page 2). “With ‘Save Password’ and ‘Auto-login’ both selected, you will automatically be signed on to AOL instant Messenger whenever you double-click on the AOL Instant Messenger icon on your desktop” (page 2).

In contrast, Applicant’s amended claim 9 recites, “determining if at least one user account is present on a ***dedicated game console***” (emphasis added). Support may be found in Applicant’s specification at paragraph 0098, which recites, “It should be noted that although the game console discussed herein is described as a dedicated game console (***not a general-purpose PC running computer games***), the game console may also incorporate additional functionality” (emphasis added).

Claim 9 also recites, “if automatic sign-in is enabled, ***silently signing in a most recently signed in user account*** onto an online service ***without requiring action by a user***” (emphasis added). Support may be found in Applicant’s specification at paragraph 0041, which recites, “Silently signing in generally indicates that a user of a console (such as the console 102 of Fig. 1)

is automatically signed in to an online service (such as those discussed with reference to the data center 110 of Fig. 1). The automatic sign-in process requires no action by a user of a console in one implementation.”

MPEP §2131 states that a claim is anticipated only if *each and every element is found* in a single prior art reference. Since each and every element is not disclosed in AIM 3/11/01, Applicant respectfully submits that AIM 3/11/01 does not satisfy the requirements for anticipation of claim 9.

The Office considers a computer to be a gaming device “since a computer is capable of playing games” (Office Action, page 3). Applicant respects and understands the Office’s assertion that one type of so-called “computing device” is the same as another “computing device.” However, given that the reference specifies a specific type of computing device (limited by processor type, operating system, and excluding other systems such as Macintosh) and that Applicant acting as its own lexicographer has clearly differentiated a game console from a general-purpose PC, it follows that the supplied reference cannot anticipate Applicant’s claim 9.

Moreover, the “Auto-login” of AIM functions differently than the “automatic sign-in” of Applicant’s claim 9, despite the superficial similarity of the terms. As the Office has identified, “If a most recently signed in user selects the ‘auto-login’ feature, then the program will sign in the most recently signed in user account” (Office Action, page 3). This behavior of AIM results from a fortuitous ordering of users, namely a *user* who has selected a particular feature must be the most recent user to have signed in. The Office also identifies that, “If a first user selects the auto-login feature, and a second user who happens to be the most recently signed in user account does not select the auto-login feature, the program automatically logs in *the first user*” (Office Action, page 5, emphasis added). The variety of behaviors of AIM identified by the Office show that

AIM's "Auto-login" functions differently from the recitation of amended claim 9. Specifically, a method in which "if automatic sign-in is enabled *on the dedicated game console*," then "a *most recently signed in user account*" is signed in, as recited in claim 9, is not disclosed by AIM 3/11/01.

Furthermore, the disclosures of AIM 3/11/01 require a user to double-click to sign on, but fails to disclose automatic sign-in "*without* requiring action by a user" (emphasis added) as recited in Applicant's amended claim 9. For this additional reason, AIM 3/11/01 fails to disclose each and every element of Applicant's amended claim 9.

Dependent claims 10 and 15-18 depend directly or indirectly from independent claim 9, and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features that, in combination with those recited in claim 9, are not disclosed by AIM 3/11/01. Applicant respectfully requests consideration of each dependent claim.

Amended **dependent claim 10** recites in part, "wherein the registering comprises holding and processing data concerning the presence of the signed in user at a presence server for online gaming." This element is not disclosed in AIM 3/11/01, and thus, claim 10 is allowable at least over the reference.

Amended **dependent claim 15** recites in part, "first determining the status of the signing in; and second returning a status message selected from a group comprising no user account present, automatic sign-in disabled, signing in, not signed in, and signed in." The Office identified that "The 'Auto-login' box is a message that indicates whether automatic sign-in is disabled" (Office Action, page 4). The Office further remarked that "It is noted that the claim does not specify when the returning status message occurs" (Office Action, page 4). Amended

claim 15 clarifies the differences between the claim and the reference. The recitations of amended claim 15 are not disclosed in AIM 3/11/01, and thus, claim 15 is allowable at least over the reference.

Amended **dependent claim 16** recites in part, “a notification from a notification server maintaining a multiple queue of outgoing messages for the signed in user.” AIM 3/11/01 discusses instant messages, but does not disclose notifications of this type. This element is not disclosed in AIM 3/11/01, and thus, claim 16 is allowable at least over the reference.

Amended **dependent claim 17** recites in part, “a cross-title game invitation to switch from an offline game to an online game, wherein the offline game is played by players with access to the dedicated game console and wherein the online game allows the players to play the online game against one or more other players online.” The Office acknowledges that AIM 3/11/01 fails to specifically teach the notification is a cross-title game invitation (Office Action, pages 4-5). However, the Office asserts that “An example how the claim limitation can be met is if the user receives at [sic] text message from a friend messaging, “Let’s play star-craft” (Office Action, page 5). A text message sent through AIM is different from Applicant’s recited “cross-title game invitation.” Specifically, AIM discloses no way for the inviting friend to know what game the invited friend is playing. The AIM text message is sent without knowledge of context. Applicant’s claim 17 includes the “automatic sign-in” element of base claim 9, and thus, the inviting friend is able to know if the invited friend is signed-in to an online game or is playing an offline game. A cross-title game invitation is not disclosed in AIM 3/11/01, and thus, claim 17 is allowable at least over the reference.

Amended **dependent claim 18** recites in part, “determining if a *controller* is coupled to the dedicated game console, the *controller corresponding to a specific user account* present on

the dedicated game console” (emphasis added). AIM 3/11/01 does not disclose a controller, nor does it disclose any input device corresponding to a specific user account. As these elements are not disclosed in AIM 3/11/01, claim 18 is allowable at least over the reference.

Dependent claim 19 is canceled, and thus, the rejection is now moot.

Accordingly, for all of the above reasons, Applicant respectfully submits that as each and every feature is not disclosed, the claims are not anticipated by AIM 3/11/01. Applicant respectfully requests withdrawal of the §102(b) rejection of claims 9-10 and 15-18.

Independent claim 32 recites one or more computer-readable media having instructions stored thereon that, when executed, direct a machine to perform acts comprising:

- determining if at least one user account is present on a gaming device;
- if the at least one user account is present, determining if automatic sign-in is enabled; and
- if automatic sign-in is enabled, signing in a most recently signed in user account onto an online service.

Applicant respectfully submits that no such computer-readable media is disclosed by AIM 3/11/01.

The standard for establishing *prima facie* anticipation and the teachings of AIM 3/11/01 are presented above with respect to claim 9.

The “gaming device” of claim 32 is not disclosed by AIM 3/11/01. As presented above with respect to claim 9, a “gaming device” as properly interpreted in light of Applicant’s specification is distinct from the specific computing device discussed in AIM 3/11/01. “The Patent and Trademark Office (‘PTO’) determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction ‘*in light of the specification as it would be interpreted by one of ordinary skill in*

the art.’ *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004)” (See MPEG §2111, emphasis added). Looking at Applicant’s specification as a whole, including paragraph 0098 and Fig. 11, it is clear that one of ordinary skill in the art would interpret the “game device,” as recited in claim 32 differently than the Intel 486 or Pentium computer discussed in AIM 3/11/01.

As discussed above with respect to claim 9, the “Auto-login” of AIM functions differently than the “automatic sign-in,” recited in Applicant’s claim 32. The Office identified on pages 3 and 5 of the Office Action some of the behaviors auto-login can produce in AIM 3/11/01. Applicant’s claim 32 recites, “if automatic sign-in is enabled, ***signing in a most recently signed in user account*** onto an online service” (emphasis added). The claim language does not permit the variety of login behaviors the Office identified in AIM 3/11/01, thus there is a difference between the claim language and the reference.

For at least the above reasons, the text of AIM 3/11/01 does not anticipate Applicant’s claim 32 under the standards set forth in the MPEP.

Dependent claims 33 and 37-39 depend directly or indirectly from independent claim 32, and thus, are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features that, in combination with those recited in claim 32, are not disclosed by AIM 3/11/01. Applicant respectfully requests consideration of each dependent claim.

Dependent claim 40 is canceled, and thus, the rejection is now moot.

Accordingly, for all of the above reasons, Applicant respectfully submits that as each and every feature is not disclosed, the claims are not anticipated by AIM 3/11/01. Applicant respectfully requests withdrawal of the §102 (b) rejection of claims 32-33 and 37-39.

Claim Rejections under 35 U.S.C. § 103

Claims 11-14 and 34-36 are rejected under 35 U.S.C. §103(a) as being unpatentable over AIM 3/11/01 as applied to claims 9 and 32 above, and further in view of AOL Instant Messenger (cited from http://www.aim.com/help_faq/linux/latest_linux.adp Feb 02, 2002 version), (“AIM 2/2/02”). Applicant respectfully traverses the rejection.

Dependent claims 11-14 and 34-36 depend directly or indirectly from one of independent claims 9 and 32, respectively, and thus, are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features that, in combination with those recited in claims 9 and 32, are not disclosed, taught, or suggested by AIM 3/11/01 and AIM 2/2/02. Specific allowable recitations are discussed below; however, this is not to be construed as implying that claims not specifically discussed lack their own allowable features. Applicant respectfully requests consideration of each dependent claim.

Amended **dependent claim 11** recites in part, “reporting an error in a status message window of a main menu generated by a game loaded in the dedicated game console.” The Office acknowledges that, “AIM 3/11/01 fails to specifically disclose if the signing was unsuccessful, reporting an error” (Office Action, page 6). AIM 2/2/02 discusses “the error message window” (page 3). There is no discussion in AIM 2/2/02 of how the error message window is generated. Thus, AIM 2/2/02 fails to compensate for the deficiencies acknowledged in AIM 3/11/01. Because the status message window recited in Applicant’s claim 11 is not disclosed, taught, or suggested by AIM 3/11/01 and AIM 2/2/02, claim 11 is allowable at least over the references.

Amended **dependent claim 13** recites in part, “wherein the online service comprises a data center communicating on trusted devices.” Neither a data center nor trusted devices are

disclosed, taught, or suggested by AIM 3/11/01 and AIM 2/2/02, and thus, claim 13 is allowable at least over the references.

Amended **dependent claim 14** recites in part, “wherein the interactive sign-in comprises providing a user name and an authorization code via a controller coupled to the dedicated game console.” Applicant submits that a controller coupled to a dedicated game console used for inputting a user name and an authorization code is not disclosed, taught, or suggested by AIM 3/11/01 and AIM 2/2/02, and thus, claim 14 is allowable at least over the references.

Applicant respectfully submits that the cited references do not render the claimed subject matter obvious and that the claimed subject matter, therefore, patentably distinguishes over the cited references. For all of these reasons, Applicant respectfully requests withdrawal of the §103(a) rejection of claims 11-14 and 34-36.

New Claims 41 and 42

Applicant adds claims 41-42 to further clarify the subject matter. These claims recite subject matter along the lines of original claims 18 and 40. These claims have full support in the original specification. These claims are allowable at least for the reasons asserted above with respect to dependent claim 18. Furthermore, Applicant has searched and failed to find evidence in AIM 3/11/01 and AIM 2/2/02 of “determining if a memory unit of the controller corresponds to a specific user account,” as recited in Applicant’s new claim 41. For all the reasons asserted above reasons, Applicant respectfully asserts that new independent claim 41 and new dependent claim 42, which depends from claim 41, are allowable.

Conclusion

Claims 9-18, 32-39, and 41-42 are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Office is requested to contact the undersigned attorney to resolve the issue.

Respectfully Submitted,
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